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SB-569 Insurance: disasters: identification of insurer. (2017-2018)

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Date Published: 09/28/2017 09:00 PM

Senate Bill No. 569

CHAPTER 361

An act to add Section 2085 to the Insurance Code, relating to insurance.

[Approved by Governor September 28, 2017. Filed with Secretary of State September 28, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

SB 569, Monning. Insurance: disasters: identification of insurer.

Existing law generally regulates fire insurance, which includes insurance against loss by fire, lightning, windstorm, tornado, or earthquake, and establishes a standard form of fire insurance policy for the state. Existing law requires an insurer to provide an insured, free of charge, a complete, current copy of his or her fire insurance policy after a covered loss under the policy and within 30 calendar days of receipt of a request from the insured.

This bill would require the Insurance Commissioner, in the case of a declaration of a disaster and at the request of a property owner, or the owner's legal representative, that is unable to identify the insurer for property located in the disaster area, to electronically provide the owner's name, any contact information provided to the commissioner, and property location information to insurers who issue homeowners' fire insurance policies. The bill would deem that information to be provided with the voluntary written consent of the owner or his or her legal representative, as specified. The bill would require an insurer to respond, free of charge, to the property owner or owner's legal representative within 90 days after receiving that transmission if the insurer issued a homeowners' insurance policy on the property located in the disaster area and identified in the commissioner's communication that was in force at the time that the disaster occurred. The bill would limit the liability of the commissioner or the commissioner's authorized representative, any department employees, and the insurer or the insurer's employees, for statements made or conduct performed in good faith while carrying out these provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2085 is added to the Insurance Code, to read:

2085. (a) (1) In the case of a declaration of a disaster by the President of the United States or the Governor, if a property owner or owner's legal representative is unable to identify the insurer of the owner's property that is located in the declared disaster area, the commissioner shall, at the request of the property owner or owner's legal representative, electronically provide the property owner's name, any contact information provided to the commissioner, and property location information to insurers that issue homeowners' insurance policies subject to Section 2071.

(2) The commissioner or an insurer may conclusively presume that a request submitted pursuant to paragraph (1) is a bona fide request from the property owner or owner's legal representative. Information transmitted to the commissioner or an insurer

pursuant to this section shall, within the meaning of subdivision (b) of Section 1798.24 of the Civil Code, constitute information provided with the voluntary written consent of the person transmitting the information and shall authorize the commissioner or an insurer to provide the information to others in accordance with this section. No reasonable expectation of privacy shall exist for the information provided to the commissioner or an insurer pursuant to this section and no cause of action shall arise nor shall any liability be imposed against the commissioner or an insurer, the commissioner's or an insurer's authorized representatives, or any department or insurer employee for statements made or conduct performed in good faith while carrying out the provisions of this section.

(3) Communication between a property owner or owner's legal representative and the commissioner, and between the commissioner and insurers, shall not constitute the filing of a claim.

(b) An insurer that issues homeowners' insurance policies subject to Section 2071 shall provide the commissioner with an email address for accepting an electronic transmission from the commissioner pursuant to subdivision (a).

(c) (1) An insurer that issues homeowners' insurance policies subject to Section 2071 shall respond to the property owner or owner's legal representative within 90 days after receiving a transmission pursuant to subdivision (a) and shall indicate if the insurer issued a homeowners' insurance policy on the property located in the disaster area and identified in the commissioner's communication that was in force at the time that the disaster occurred. An insurer's response to the property owner or owner's legal representative pursuant to this paragraph shall not be an acknowledgment of a claim, and shall not constitute an admission of coverage under any policy for any loss.

(2) Notwithstanding paragraph (1), neither the department nor the insurer shall be required to respond to a property owner or the owner's legal representative if the insurer determines that it did not issue a policy for the property.

(3) A response by an insurer to the property owner or the owner's legal representative pursuant to paragraph (1) shall be provided free of charge.